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Patricia Sandoval and Nicholas Taliaferro

2012 JUN 25 PM 1:59
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PATRICIA SANDOVAL, an
individual, and NICHOLÁS
TALIAFERRO, an individual,

Plaintiffs,

vs.

CARNIVAL CORPORATION, a
Panamanian corporation, COSTA
CROCIERE, SpA, an Italian public
limited company, JOHN DOES 01
through 05, individuals, and JOHN
DOE CORPORATIONS 06 through
10, corporations,

Defendants.

Case No.

CV 12-5517-6W

(SHX)

COMPLAINT

BY FAX

Plaintiffs Patricia Sandoval and Nicholas Taliaferro ("Plaintiffs"), by and through undersigned counsel, bring this action against Defendants identified below, and plead as follows:

This Complaint states individual claims for products liability and negligence, among other things, and is seeking damages in excess of the jurisdictional minimum of this Court, exclusive of interest, costs, and attorneys' fees.

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I. PARTIES

1.1 Plaintiffs are United States citizens and residents of the State of California.

1.2 Defendant Carnival Corporation is a Panamanian corporation, registered to do business in the state of Florida, with its principal place of business in Miami, Florida, but which will do business in California as Carnival Cruise Lines (“Carnival”). Upon information and belief, and at all relevant times, Carnival controlled or at least heavily influenced the design of the MV *Costa Concordia* to suit its commercial needs as opposed to best or even good marine practices. Carnival may be served with process through its registered agent for service of process in California, C T Corporation, 818 W. Seventh Street, Los Angeles, CA 90017.

1.3 Defendant Costa Crociere SpA is an Italian public limited company, with its principal place of business in Genoa, Italy, and was at all relevant times the owner of the MV *Costa Concordia*. In accordance with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Convention”), Plaintiffs hereby forward duplicate originals of process with this Complaint, translated into Italian, to the Central Authority for Italy, to wit: L'Ufficio unico degli ufficiali giudiziari presso la corte d'appello di Roma, Via Giulio Cesare 52, 00192 Rome, Italy, for service on Defendant Costa Crociere SpA (“Costa Crociere”), at its home office located at Piazza Piccapietra 48, 16121, Genoa, Italy.

1.4 Defendant John Does 01 through 05 are the fictitious name of the individuals, who upon information and belief, designed the layout of the MV *Costa Concordia*, including but not limited to the arrangement and configuration of the internal spaces such as restaurants and other public areas, as well as placement and arrangement of pools and other fixtures. Plaintiffs assert causes of action against Defendant John Does 01 through 05, and will amend this Complaint or seek leave to

1 amend as necessary to state the true names of Defendant John Does 01 through 05
2 when the identities of those individuals have been determined.

3 1.5 Defendant John Doe Corporations 06 through 10 are the fictitious names
4 of the entity or entities which, upon information and belief, designed and built the
5 MV *Costa Concordia*. Plaintiffs assert causes of action against Defendant John Doe
6 Corporations 06 through 10, and will amend this Complaint or seek leave to amend
7 as necessary to state the true names of Defendant John Doe Corporations 06 through
8 10 when the identities of those corporations have been determined.

9 II. JURISDICTION

10 2.1 This is an admiralty and maritime claim, within this Court's original
11 jurisdiction pursuant to 28 U.S.C. sections 1331 and 1333, and brought pursuant to
12 the General Maritime Law of the United States, as supplemented by Italian law.

13 2.2 This Court has general jurisdiction over Carnival by virtue of its regular,
14 continuous, and systematics contacts within the state of California, and its presence
15 in the forum when served.

16 2.3 This Court has general jurisdiction over Costa Crociere by virtue of its
17 regular, continuous, and systematic contacts within the State of California.

18 2.4 This Court has general jurisdiction over John Does 01 through 05, and
19 Defendant John Doe Corporations 06 through 10, by virtue of, on information and
20 belief, the regular, continuous, and systematic contacts within the state of California
21 by the Does, and each of them.

22 III. VENUE

23 3.1 Venue is proper in this Court because Defendants and all Does are
24 subject to jurisdiction in this District (hereafter, "Defendants" include all Does, unless
25 otherwise specified.)

26 3.2 This forum is proper, and not subject to contractual limitation or forum
27 requirements which are void, voidable, and/or unenforceable pursuant to Italian law.
28

IV. FACTS

4.1 The foregoing paragraphs are re-alleged as though fully again set forth.

4.2 On or about January 13, 2012, the MS *Costa Concordia* (the “Vessel”), carrying over 4,200 passengers and crew, struck a rock offshore Isola del Giglio, Grosseto, Italy.

4.3 In the chaos and terror that followed, at least 32 people lost their lives, and hundreds more were injured, including Plaintiffs.

4.4 This tragic allusion in part resulted from a ridiculous stunt perpetrated by the so-called captain of the Vessel, in an ill-conceived attempt to “salute” the inhabitants of Isola del Giglio, or “honor” past and present crew members who lived on the island, and the failure of Costa Crociere and/or Carnival to implement a proper safety management system.

4.5 Instead of a salute, it was an obscene and deadly gesture; instead of honor, it was shame. The grounding of the Vessel was a tragedy, but the Vessel’s design and plan for passenger safety and evacuation was a travesty, leading to loss of life for some, and pain, suffering and ongoing trauma for hundreds, including Plaintiffs.

4.6 The Vessel was designed and built by Does 06 through 10, under the direction and control of Carnival and/or Costa Crociere.

4.7 For Defendants, profits are more important than safety. They designed the Vessel to maximize passenger carrying capacity, but at the expense of seaworthiness, and passenger safety.

4.8 In addition to maximizing the number of passengers carried, the Vessel was also designed to be brought directly to dock, so that its many passengers would not need to be ferried from the Vessel to land.

4.9 To maximize passenger carrying capacity, the Vessel was designed with a very tall superstructure, the amount of hull above the waterline, and a very shallow draught, the amount of hull below the waterline.

1 4.10 The Vessel's shallow draught made it unstable, and susceptible to tilting
2 during the allision with the rock, rendering many of its lifeboats useless for the
3 intended purposes of saving lives and avoiding injury.

4 4.11 Comparisons between the Vessel and the RMS *Titanic* are valid and apt.
5 Both were very large by the standards applicable at the time. As with the *Titanic*, the
6 Vessel was designed to be Europe's largest cruise ship ever. Both were considered
7 safe (and in fact the RMS *Titanic* was considered "unsinkable.") But, both suffered
8 from design flaws that led to their tragic sinkings, injuries and death.

9 4.12 When the Vessel hit the rock, it opened up a large gash on the port side,
10 flooding at least three of the Vessel's seven so-called watertight compartments.
11 Despite its great size, the Defendants followed a dated and outmoded standard which
12 required the Vessel remain afloat only if two of its watertight compartments flooded.
13 Like the RMS *Titanic*, with its watertight compartments flooded, the Vessel was
14 doomed, as were its passengers, guests and crew.

15 4.13 Once its watertight compartments flooded, the Vessel began to list to
16 port, or tilt to the side. Because of the extreme list and its great 13-deck height, and
17 because the Captain delayed in giving the evacuation order, the lifeboats on the
18 starboard side of the vessel could no longer be launched.

19 4.14 The sheer scale of the Vessel and its passenger areas, designed to
20 accommodate up to 3,780 passengers and more than 1,000 crew, created evacuation
21 challenges not planned for or addressed by Defendants. Unlike the RMS *Titanic*, the
22 evacuation routes on the Vessel confused many passengers, with the result no quick
23 or easy evacuation could be performed.

24 4.15 In this emergency, the internal architecture of the Vessel turned into a
25 deadly maze and labyrinth, so complex there was no way to plan for or organize a
26 safe and efficient evacuation plan. This complex design and architecture, coupled
27 with inept or absent leadership, led to the chaos and confusion causing the injuries
28 and deaths suffered by the Vessel's passengers and crew, including Plaintiffs.

1 4.16 Defendants ultimately were responsible for the design of the Vessel, and
2 ensuring her crew could implement safety programs designed to work with a Vessel
3 of this size and complexity, to evacuate the passengers of the Vessel safely, and
4 without injury or loss of life.

5 4.17 Defendants failed to fulfill responsibilities under governing laws and
6 regulations. As a result, some people died and many people were injured.

7 4.18 Defendants are being sued for their strict liability, independent acts of
8 wrongdoing, breaches of duty and negligent acts, all of which caused and contributed
9 to this tragedy, the loss of life by some, and the injuries of hundreds more, including
10 Plaintiffs.

11 **V. CAUSES OF ACTION**

12 5.1 The foregoing paragraphs are re-alleged as though fully again set forth.

13 5.2 Plaintiffs' injuries were caused by the Vessel, a defective product
14 designed, manufactured and sold by Defendants, who were engaged in the business
15 of placing products, like and including the Vessel, into the stream of commerce, and
16 in fact charging passengers to ride aboard the defective product.

17 5.3 The Vessel was defective, and reached Plaintiffs without substantial
18 change from its condition at the time it was originally sold. These defects rendered
19 the Vessel unreasonably dangerous, which was the producing cause of injury to
20 Plaintiffs, and for which Defendants are strictly liable.

21 5.4 Defendants knew, or should have known, of the risk of harm to Plaintiffs
22 by allowing them to sail on the Vessel, but breached their duty to warn any of the
23 passengers, including Plaintiffs, of the risks associated with sailing on the Vessel.
24 This lack of adequate warning of the Vessel's many defects was the producing cause
25 of injury to Plaintiffs.

26 5.5 Defendants owed a duty to Plaintiffs to keep them safe from harm while
27 on and using the Vessel for its intended purpose.

28 //

1 5.6 Defendants breached that duty by failing to design the Vessel so that it
2 would meet the minimum necessary safety factors in the target design environmental
3 condition, *i.e.*, sailing the ocean, carrying passengers. Defendants further breached
4 their duty to Plaintiffs by failing to warn users of this Vessel of the defective design
5 and dangers posed while using the Vessel as intended.

6 5.7 Defendants Carnival and Costa Crociere were each separately liable for
7 the negligent operation of the Vessel and for the training of its crew as well as for
8 approving the inherently defective design of the Vessel.

9 5.8 As a result of Defendants' breaches of duty, Plaintiffs were injured, and
10 suffered the damages here alleged.

11 **VI. GROSS NEGLIGENCE**

12 6.1 The condition of the Vessel encountered by Plaintiffs exposed them to
13 extreme hazards. By designing the Vessel to maximize passenger carrying capacity,
14 at the expense of seaworthiness, and by failing to design an interior that could be
15 evacuated consistently in a safe manner, Defendants were on notice of multiple
16 dangerous and deadly conditions onboard the Vessel. Nonetheless, Defendants failed
17 to warn Plaintiffs of the defects in the Vessel, thus exposing Plaintiffs to the
18 consequences of Defendants' actions.

19 6.2 Defendants proceeded with knowledge or conscious indifference that
20 their failure to properly design the Vessel, and to warn passengers and crew of the
21 dangers posed by the defective design, would result in injury and/or death to users of
22 the Vessel, including Plaintiffs. Despite that knowledge, and the understanding a
23 high likelihood existed that injury or death would result from their acts or failures to
24 act, Defendants proceeded in disregard of their knowledge, and subjected Plaintiffs
25 to the dangerous conditions which resulted from these acts and failures to act.
26 Accordingly, Defendants are liable for gross negligence and punitive damages.

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VII. DAMAGES

7.1 As a direct and proximate result of Defendants' conduct, including negligence and breaches of duty for which they are strictly liable, Plaintiffs suffered the following injuries and resultant damages, including, but not limited to: (a) mental anguish in the past; (b) lost earnings; (c) physical pain and suffering; (d) conduct entitling them to punitive and moral damages; (e) all such other and further damages as allowed by law.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that judgment be entered in their favor in the amount of at least \$10,000,000, and punitive damages as determined by the finder of fact in this case, as against the Defendants, representing their actual damages in an amount exceeding the jurisdictional limits of this Court, together with prejudgment and postjudgment interest, excluding from this sum any amounts for their claim for punitive damages, which they leave to the discretion of this Court, guided by its conscience, attorney's fees, and costs of suit, and for all such other and further relief to which they may show themselves justly entitled, in law and equity.

DATED: June 25, 2012

Respectfully submitted,

GILMAN & ALLISON LLP

/s/ David S. Toy

David S. Toy
Attorneys for Plaintiffs, Patricia Sandoval
and Nicholas Taliaferro

1 **OF COUNSEL:**

2 **GILMAN & ALLISON LLP**

3 Douglas T. Gilman

4 Brenton J. Allison

5 Sunrise Lake Center

6 9307 Broadway, Suite 407

7 Pearland, TX 77584

8 Email: dgilman@gilmanallison.com

9 Email: ballison@gilmanallison.com

10 **EAVES LAW FIRM**

11 John Arthur Eaves, Jr.

12 101 North State Street

13 Jackson, MS 39201-2811

14 Telephone: 601 355 7961

15 Email: johnjr@eaveslaw.com

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Stephen J. Hillman.

The case number on all documents filed with the Court should read as follows:

CV12- 5517 GW (SHx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

David S. Toy
 Gilman & Allison LLP
 9307 Broadway, Suite 407
 Pearland, TX 77584

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

PATRICIA SANDOVAL, an
 individual, and NICHOLAS
 TALIAFERRO, an individual,

PLAINTIFF(S)

v.

CARNIVAL CORPORATION, a Panamanian
 corporation; COSTA CROCIERE, SpA, an Italian
 public limited company; see additional page

DEFENDANT(S).

CASE NUMBER

CV12-5517 -GW(SHX)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, David S. Toy, whose address is 9307 Broadway, Suite 407 Pearland, TX 77584. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JUN 25 2012

By: 

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

1 **ATTACHMENT TO SUMMONS – ADDITIONAL PARTIES**

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3 JOHN DOES 01 through 05, individuals; and
4 JOHN DOE CORPORATIONS 06 through 10, corporations.
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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

BY FAX

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> PATRICIA SANDOVAL and NICHOLAS TALIAFERRO		DEFENDANTS CARNIVAL CORPORATION; COSTA CROCIERE, SpA; John Does 01 through 05, individuals; and John Doe Corporations 06 through 10, corporations	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Gilman & Allison LLP, 9307 Broadway, Suite 407, Pearland, TX 77584 Telephone: 888 225 5767		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
☐ 6 Multi-District Litigation
☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ 10,000,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 28 U.S.C. sections 1331 and 1333; Product Liability Personal Injury

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input checked="" type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

CV12-5517

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	San Diego; San Diego

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Miami-Dade County, FL; Italy

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Italy

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): /s/ David S. Toy Date June 25, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))